

CHAPTER 1

INTRODUCTION

1.1 Purpose and Need

The purpose and need of this plan amendment is to designate routes of travel for casual use in portions of the Northern and Eastern Mojave Desert (NEMO) within the California Desert Conservation Area (CDCA). The CDCA Plan was adopted in 1980, and is being amended by several bioregional plan amendments including NEMO (2002a). The NEMO Plan designated routes of travel in Desert Wildlife Management Areas (DWMAs), but did not designated a vehicle access network outside of DWMA and surrounding desert tortoise bioregions. The Record of Decision for the NEMO Plan (December 20, 2002) required designation of the remaining vehicle access network outside of DWMA by June 30, 2004.

This Proposed Plan amendment would designate routes of travel in the areas outside of DWMA in the NEMO planning area. This Environmental Assessment is tiered to the environmental analysis in the Proposed Northern and Eastern Mojave Desert Management Plan and Final Environmental Impact Statement (BLM 2002a). Four alternatives are considered and analyzed in this amendment: the Proposed Action and three alternatives.

Route designation is a two step process: 1) designate routes of travel as open, closed or limited; and 2) amend the CDCA Plan to incorporate the resulting network of open and limited routes of travel. Routes of travel in the NEMO planning area were designated in 1985 and 1987. Since that time, there have been designations of threatened and endanger species and critical habitats and the route designation process was clarified by BLM policy. The proposed plan amendment would designate routes of travel using up to date information and incorporate the resulting network of open and limited routes of travel in the CDCA Plan, including those routes identified after the last formal route designations. In other respects, the Proposed Action would conform to the CDCA Plan, as amended, and county general plans for Inyo and San Bernardino Counties.

1.2 Planning Area

The Northern and Eastern Mojave (NEMO) planning area originally encompassed 3.3 million acres of land of which over 2.7 million acres are now public lands managed by BLM. This planning area is located in the Mojave Desert in southeastern California adjacent to Nevada. Routes of travel were already designated in Shadow, Ivanpah and Piute-Fenner Valleys and surrounding desert tortoise bioregions (about 0.4 million acres) and these routes will not be further addressed in this environmental analysis (NEMO 2002a). Congressionally designated wilderness also excludes 1 million acres of the planning area from casual motor vehicle use by the public. Therefore, this route designation project will designate routes of travel within the remaining 1.3 million acres of the public lands managed by the BLM in an area referred to in this document as the NEMO Routes planning area.

1.3 Scoping and Issues

The scoping and development of planning issues began in the summer of 1995 with a series of public scoping meetings. These meetings were followed by supplemental scoping meetings in the fall of 1998. During this process, the following major issues were identified:

- Continued Access for Recreation Opportunities
- Surprise Canyon Access & Protection of Resources
- Cumulative Changes to Public Access
- Protection of T&E Species
- Access to Private Lands and Resources and Resources for Economic and Social Needs
- T&T Access & Protection of Resources
- Effects on Eligible Wild and Scenic River Segments
- Effects of Changes to Land Ownership on Continued Public Access
- Effects on Dumont Dunes OHV Area
- Wash Route Access & Protection of Wash Resources
- Coordination with Adjacent Jurisdictions and Counties
- Preservation of RS2477 Assertion Rights

1.4 Alternatives

These issues resulted in the formulation of the four alternatives to be considered in this analysis: No Action, Enhanced Recreation Opportunities and Access, Enhanced Resource Protection, and the Proposed Action.

No Action Alternative

Under this alternative no new route designation would be undertaken and current management would continue. The previous route designations (in 1985 and 1987) would continue without change except as previously modified by the CDCA Plan Amendments, (e.g., NEMO 2002) within the planning area.

Enhanced Recreation Opportunities and Access Alternative

This alternative emphasizes road network analysis to ensure vehicle access to areas of casual user interest including various forms of recreation. Inyo, Mono and San Bernardino County recreation plans were an important consideration in this route designation process. Road network analysis included evaluations of adjacent jurisdictions, access to private lands, access for recreation, ACEC considerations, and other important sensitive resource values.

Enhanced Resource Protection Alternative

This alternative would close routes or provide limited access on routes which are identified as having conflicts between uses and sensitive resources, with exceptions for regional routes and to maintain reasonable access to private lands.

Proposed Action

The Proposed Action includes criteria of both the Enhance Recreation Opportunities and Access and Enhanced Resource Protection Alternatives and resolves conflicts through a decision tree (Appendix A) using a series of questions and the answers to those questions.

1.5 Alternatives Considered but Eliminated

A NEPA document is required to rigorously explore and objectively evaluate a reasonable range of alternatives. The range of reasonable alternatives is constrained by legal requirements and requirements to fulfill the purpose and need. Two additional alternatives were considered, but eliminated from detailed analysis.

An alternative was examined that would have opened all identified routes. This alternative was dismissed from detailed study because it was inconsistent with the designation criteria presented in 43 CFR 8342.1.

Based on public scoping comments, an alternative was considered that would allow “limited” access on all wash routes in the planning area during the fall hunting season. The alternatives carried forward for detail analysis allow for access on wash routes, on a route-by-route basis, when consistent with designation criteria presented in 43 CFR 8342.1. As a result, a spectrum of wash route alternatives is already provided for consideration.

As a result of public scoping and internal evaluation, the route of travel in Surprise Canyon is the subject of a separate EIS evaluating human access to the canyon and its suitability as a wild and scenic river. As a result of interagency coordination efforts, approximately two miles of the Furnace Creek route managed by BLM has been included in a separate ongoing analysis which was already underway for the US Forest Service portion of the route, with the US Forest Service as lead agency and BLM as a cooperator.

1.6 Planning Criteria

Planning Criteria are the rules and other factors used to form judgments about data collection, analysis, and decision making during planning. Planning criteria include all applicable federal laws, regulations, executive orders, policies, and applicable portions of existing land use plans, which the cooperating agencies are required to follow. The planning lies entirely within the California Desert Conservation Area, which was established by Congress in 1976. Some of the planning criteria, however, were specifically developed for the Routes of Travel planning effort in NEMO. These planning criteria are listed below.

The planning criteria for the Routes of Travel planning effort in NEMO include the following:

- A. Comply with applicable laws, Executive Orders, and regulations.
- B. Define the planning area as public lands within the Northern and Eastern Mojave (NEMO) planning area boundary excluding the two desert tortoise bioregions, and the study area as all lands within and immediately adjacent to the NEMO planning area.
- C. The authorized officer shall designate all public lands (including areas, and trails) as either open, limited, or closed to off road vehicles.

- D. Four criteria are identified in 43 CFR 8342.1 to consider when making area and route-specific designation decisions, including:
- a. Areas and trails shall be located in a manner to minimize impacts to physical resources (soils, watershed, vegetation, air, and other resources) and to prevent impairment of wilderness suitability;
 - b. Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats;
 - c. Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses;
 - d. Areas and trails shall not be located in officially designated wilderness areas or primitive areas, and shall be located in natural areas only if the authorized officer determines that off-road vehicle use in such locations will not adversely affect their natural, esthetic, scenic, or other values for which established.
- E. Applying location-specific criteria occasionally leads to the designation of an entire route as closed rather than limiting the closure to a portion of the route.
- F. Consider all proposals in the context of their consistency with standards and guidelines.
- G. Redundant routes (see definition of terms in the next section) would be given strong consideration for closure.
- H. Develop and implement actions in all alternatives to accomplish the goals and overall objectives of USFWS recovery plans for listed species, to assist in the recovery and delisting of those species as feasible.
- I. Consider strategies for threatened and endangered species management to make it easier, more efficient, and more cost-effective for public land users to obtain activity and use permits.
- J. Maximize the available public access network provided to the public outside of sensitive areas within the framework of these criteria and BLM's overarching multiple use, sustained yield framework, in light of (a) the California Desert Protection Act (CDPA), and (b) other changes to public land ownership and management patterns within the planning area that have both resulted in the elimination and additional limitations on the public access network in the planning area and regionally since the adoption of the CDCA Plan in 1980.

Definitions

The following terms and definitions pertaining to routes and their designation are used in this document.

- **Redundant route** – A redundant route is one whose purpose is seemingly identical to that of another route, inclusive of providing the same or very similar recreation opportunities or experiences. Redundant routes are given strong consideration for closing, particularly where other conflicts exist such as in Amargosa vole critical habitat, where it widens another existing route, or where invasive species have become problematic. Upon designating such a route as “closed,” the use thereby redirected to another route or routes would be in accordance with the route designation criteria in 43 CFR 8342.1.

- **Problem route** - A route, for example, that once furnished access to a point that now occurs in wilderness (a) could provide access to the boundary of that wilderness area, or (b) has become a management “problem” as motorized access into wilderness has continued and no purpose would be served in establishing a trailhead at that point. Existing access to cultural or other sensitive resources may have resulted in degradation of the resources. Problem routes are given strong consideration for closing, if the problem is established. It is not enough to anticipate a future problem if no problem is currently documented, but can identify cause and effect adjacent to sensitive areas and build a case for a problem route. To document a future problem: If this occurs, then will try that...if that fails, then route would be closed...must include specific criteria for future route closure.
- **Non-existent route** – These routes were closed in the NEMO Plan as a class. Non-existent routes are defined in the context of the NEMO Plan as routes that are no longer used and have been substantially reclaimed by the forces of nature. Some routes that are delineated on the 1979 CDCA existing route inventories and/or the most recent versions of 7.5-minute USGS maps cannot be located due to complete or near-complete natural reclamation. Non-existent routes are not included in the inventory if no evidence of them can be found. If some evidence of past use can be found, they are given strong consideration for closing unless there is an overriding need for network connectivity.
- **Partially non-existent routes** – Partially non-existent routes are (1) intermittently visible, encouraging cross-country travel at locations where surface evidence of the route disappears and/or (2) although still visible, travel upon them would require the crushing of substantial vegetation due to the degree of reclamation that has already occurred. Partially non-existent routes are given strong consideration for closing, or partial closing; depending on what other routes they may connect with.
- **Maintained road** – The CDCA Plan, as amended, defines a maintained road as “regularly or frequently maintained by continuous use (e.g., passage of vehicles) or machine maintenance.” For determining which routes the BLM will designate in the NEMO Plan, a maintained dirt road is generally one that is maintained periodically with the use of machines (e.g., motorized graders), which is a standard that can be more uniformly applied. Several maintained roads are mapped and maintained by each County. BLM also maintains some frequently traveled routes, and a few rights-of-way are privately maintained.
- **Casual use** – Casual use of public lands in the context of motorized-vehicle access is defined as the use of routes not requiring a specific authorization. Routes of travel designations are focused on this use.
- **Authorized use** – Authorized use in such context is the use of routes approved through a permitting process for specific activities (e.g., rights-of-way issued for development of communication). Authorized use may or may not be limited by the routes of travel designations. An example would be a right-of-way granted off of the routes of travel network for development of a specific communication site without existing access (e.g., to a mountaintop without roads). Reclamation of that access would be considered, and if appropriate, incorporated as part of the plan of development and right-of-way grant, upon site abandonment. The communication site proposal, including access, would undergo public review (environmental assessment or environmental impact statement).
- **Primary Transportation System** – Some roads and routes crossing public lands are considered to be part of the primary transportation system of the planning area and will not be addressed in

the route designation process. This includes federal, state, and county paved and maintained roads and major linear rights-of-way or similar authorizations. These roads and routes will be shown on the route designation maps to give an overall view of the transportation network. In addition, route designations apply only to routes and portions thereof on BLM-managed public lands. The designation of routes as “open,” “limited,” and “closed” is not applicable on private lands. Access for the use and enjoyment of private lands will be addressed on a case-by-case basis where private landowners may be adversely affected by route designation decisions. Easements across private lands will be pursued for routes that are included in the route network.

- **Wash Routes** – Washes as motorized-vehicle routes of travel are addressed in the same manner as non-wash routes, that is, they are designated “open”, “limited”, or “closed”. The designation of routes as “open”, “limited,” and “closed” is also generally applicable to both casual and authorized users of public lands. Where there is a requirement for occasional access associated with an authorized use, but it is determined that unlimited casual use may cause undesirable resource impacts, routes will be designated “closed” and available for use only by the authorized party. In such cases, the authorized use of a “closed” route usually limits this use in some manner or requires mitigation in some form. It is anticipated that BLM will make few “closed” routes available for use by authorized parties, except those within wilderness for which use is strictly defined in the California Desert Protection Act (1994).

1.7 Consistency with Bureau of Land Management Plans

The goals of the California Desert Conservation Area (CDCA) are outlined in the CDCA Plan. These goals are achieved through management and program actions and resolution of conflicts. The CDCA Plan provides overall direction through land use zoning, including four major Multiple-use Classes (MUC), and special designations for identified special-emphasis areas. The multiple-use classes are Controlled Use (C) for wilderness areas, Limited Use (L), Moderate Use (M), and Intensive Use (I). These MUC have different area designations for Routes of Travel management. Routes in MUC Controlled Use areas are Closed, while some MUC Intensive Use areas are Open (OHV Open Areas and certain dry lake beds). With the MUC Limited Use and Moderate areas, all routes of travel are designated as Open, Closed or Limited.

The CDCA Plan has special-emphasis areas including Wildlife Habitat Management Areas (WHMA and Areas of Critical Environmental Concern (ACEC). These areas may have their own plans, including route designation. Off Highway Vehicle Open Areas, Wild Horse and Burro Herd Management Areas, Cattle and Sheep Allotments were designated for further development of site-specific, focused management plans, including routes of travel management. Further Routes of Travel direction--both “programmatic” and on-the-ground allocations--is included in “plan elements” for such programs as utilities, mining, access, and recreation. The CDCA Plan is an adaptive plan that has been amended numerous times over the past twenty-four years. The NEMO Routes Plan is the latest of these amendments. The CDCA Plan, as amended by the NEMO (2002a) creates an overall framework for managing routes of travel in the planning area.

1.8 Consistency with Local, State, Tribal, and other Federal Plans

Many local, state, and federal agencies provided input or were cooperators in developing this plan amendment. These include National Park Service, the State Lands Commission which oversees most of the State lands in the planning area, the U.S. Fish and Wildlife Service, the California Department of Fish

and Game, San Bernardino County, Inyo County, Mono County, and local communities. Fort Mojave, Chemehuevi, and Timbisha tribal councils have been consulted in the planning process. Other agencies have also been involved to varying extent, and were provided copies of the document. A list of these entities was included in Chapter 5. BLM is the lead agency and has coordinated the Proposed Plan development with all these agencies at various levels as required for consistency with plans and/or formal consultation. Plan decisions address only public lands under the jurisdiction of BLM.

BLM has also reviewed other route designation decisions identified in related plans as well as with the purpose and need as stated in the CDCA Plan. These include the following related planning efforts:

- Northern and Eastern Colorado Plan (NECO)
- West Mojave Route Designation Plan
- Las Vegas Resource Management Plan (LVRMP)
- Mojave National Preserve (MNP)
- Death Valley National Park (DVNP)

1.9 Policy

Subsequent to the 1985/1987 route designations, substantial changes have occurred in the study area including:

- Listing of the desert tortoise as a federally threatened species, designation of its critical habitat and development of the recovery plan. The majority of the effect from this change on the Routes of Travel network was addressed in the NEMO Plan (2002).
- California Desert Protection Act of 1994, which (1) established wilderness on BLM and National Park Service lands (2) established wilderness study areas on BLM managed lands that may lead to establishment of additional wilderness, (3) established Death Valley National Park with parklands on lands previously under BLM jurisdiction. Motorized vehicle use is prohibited in wilderness areas.
- Designation of critical habitat in the planning area for a federally threatened Ash Meadows gumplant and federally endangered Amargosa niterwort. Some of the effect from this change on the Routes of Travel network was addressed in the NEMO Plan (2002).
- Increased use of routes of travel in planning area due to CDCA closures outside the NEMO Planning Area and population growth in adjacent urban areas.
- Additional surveys and expansion of the known habitat of the federally threatened Inyo California towhee to include parts of the planning area; and critical habitat designation for Inyo California towhee to include a small portion of the planning area. The majority of the effect from this change on the Routes of Travel network is addressed in the West Mojave Plan (underway, Draft Plan Amendment and DEIS released in 2004).
- Congressional legislation that transfers approximately 50,000 acres of the planning area to the Fort Irwin National Training Center. This area is no longer part of the casual Routes of Travel network managed by the BLM and some of the area is Wilderness Study Area (WSA). The fate of the evaluation of and decision on WSA lands adjacent to the transfer area is uncertain at this time.

1.10 Goals

The specific goals of this Plan Amendment are to:

- Designate Routes of Travel in the planning area consistent with 43 CFR 8342.1 and the CDCA Plan;
- Implement route designations that conserve and recover threatened and endangered (T&E) species as well as species that may be considered for listing in the reasonably foreseeable future;
- Maintain and enhance the overall route network in the planning area.